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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 MACIE PEELER,

CASE NO.: 2:17-cv-02735-JAD-DJA

10 Plaintiff,

11 vs.

**STIPULATION AND ORDER TO
EXTEND DISCOVERY CUTOFF
DEADLINE (Fifth Request)**

12 STATE FARM MUTUAL AUTOMOBILE
13 INSURANCE COMPANY; DOES 1 through
14 10; XYZ CORPORATIONS 11 THROUGH
20; and ABC LIMITED LIABILITY
COMPANIES 21 through 30,

15 Defendants.

16 Pursuant to Fed. R. Civ. P. 6, Fed. R. Civ. P. 26, LR 26-1, and LR 26-4, Plaintiff, MACIE
17 PEELER (“Plaintiff”), by and through her counsel of record, NETTLES | MORRIS and MATTHEW
18 L. SHARP, LTD., and Defendant, STATE FARM MUTUAL AUTOMOBILE INSURANCE
19 COMPANY (“Defendant”), by and through its counsel of record, HARPER | SELIM, (collectively,
20 “the Parties”) hereby stipulate and agree to a sixty (60) day continuance of the close of discovery
21 deadline.

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HARPER | SELIM
CIVIL AND COMMERCIAL LITIGATION

1 **I. STATEMENT OF DISCOVERY COMPLETED**

- 2 1. The parties participated in the Fed. R. Civ. P 26(f) conference on January 2, 2018.
- 3 2. Plaintiff served her FRCP 26(A) Initial List of Witness and Documents on January 9,
- 4 2018.
- 5 3. Plaintiff served her First Supplement to FRCP 26(A) Initial List of Witness and
- 6 Documents on March 8, 2018.
- 7 4. Defendant served its Rule 26.1(a)(1) Initial Disclosure on March 9, 2018.
- 8 5. Defendant served its Designation of Expert Witness on April 16, 2018.
- 9 6. Discovery in this case was then stayed on July 25, 2019. ECF 46 at 5:10-11.
- 10 7. On August 6, 2020, the Court re-set the discovery deadlines in this case. ECF 80.
- 11 8. Defendant served its Amended Rule 26.1(a)(1) Initial Disclosure on August 18, 2020.
- 12 9. Plaintiff propounded her First Set of Interrogatories, Requests for Production of
- 13 Documents and Requests for Admission to Defendant on October 27, 2020.
- 14 10. Defendant served its Responses to Plaintiff's First Set of Interrogatories, Requests
- 15 for Production of Documents and Requests for Admission on December 31, 2020.
- 16 11. Plaintiff served her Second Set of Requests for Production of Documents to
- 17 Defendant on December 3, 2020.
- 18 12. Defendant served its Responses to Plaintiff's Second Set of Requests for Production
- 19 of Documents on December 31, 2020.
- 20 13. Plaintiff propounded her Third Set of Requests for Production of Documents to
- 21 Defendant on January 20, 2021.
- 22 14. Defendant served its Responses to Plaintiff's Third Set of Requests for Production of
- 23 Documents on February 22, 2021.
- 24 15. Defendant served its Amended Responses to Plaintiff's Second Set of Requests for
- 25 Production of Documents on May 7, 2021.
- 26 16. Defendant served its First Supplemental Designation of Expert Witness on July 12,
- 27 2021.

1 17. Plaintiff served her Initial Expert Disclosures on July 12, 2021.

2 18. Defendant propounded its First Set of Interrogatories, Requests for Production of
3 Documents, and Requests for Admissions to Plaintiff on July 16, 2021.

4 19. Defendant served its Amended Responses to Plaintiff's Second Set of Requests for
5 Production of Documents on July 21, 2021.

6 20. On July 21, 2021, Defendant served Notices of Taking Deposition of Person Most
7 Knowledgeable and/or Custodian of Records of Plaintiff's medical providers re: billing and liens,
8 including: Centennial Hills Hospital; Chiropractic Healing; David Ross, M.D.; Desert Radiology;
9 HealthCare Partners/Intermountain Healthcare; Henderson Hospital; Interventional Pain and Spine
10 Care; Las Vegas Radiology; Neuromonitoring & Monitoring; Nevada Orthopedic and Spine; Nevada
11 Spine Clinic; PBS Anesthesia; Shadow Emergency Physicians; Smoke Ranch Surgery Center;
12 Surgical Arts Center; and US Anesthesia.

13 21. The deposition of Amy Scribner was taken on July 22, 2021.

14 22. The deposition of Anna Hasenpflug was taken on July 23, 2021.

15 23. The deposition of Defendant's 30(b)(6) witness, Jason Snyder, was taken on July 23,
16 2021.

17 24. Plaintiff propounded her Fourth Set of Requests for Production of Documents to
18 Defendant on July 23, 2021.

19 25. Defendant propounded its First Set of Interrogatories, Requests for Production of
20 Documents, and Requests for Admissions to Plaintiff on July 27, 2021.

21 26. Defendant served its Second Supplemental Designation of Expert Witnesses an
22 Rebuttal to Plaintiff's Expert Witnesses on August 9, 2021.

23 27. Plaintiff served her Rebuttal Expert Disclosures on August 9, 2021.

24 28. Plaintiff served her Second Supplement to FRCP 26(A) Initial List of Witness and
25 Documents on August 9, 2021.

26 29. Defendant served its Responses to Plaintiff's Fourth Set of Requests for Production of
27 Documents on August 25, 2021.

1 30. Plaintiff served her Answers/Responses to Defendant's First Set of Interrogatories,
2 Requests for Production of Documents on September 1, 2021.

3 31. Plaintiff served her Answers/Responses to Defendant's Second Set of Interrogatories,
4 Requests for Production of Documents on September 1, 2021.

5 32. Plaintiff served her Third Supplement to FRCP 26(A) Initial List of Witness and
6 Documents on September 3, 2021.

7 33. Plaintiff served her Fourth Supplement to FRCP 26(A) Initial List of Witness and
8 Documents on September 13, 2021.

9 34. Plaintiff served her First Supplement to Initial Expert Disclosures on September 13,
10 2021.

11 **II. DESCRIPTION OF REMAINING DISCOVERY TO BE COMPLETED**

12 1. Deposition of Plaintiff's expert, Scott Glogovac, Esq., as previously noticed for
13 October 19, 2021

14 2. Deposition of Plaintiff, Macie, Peeler, as previously noticed for October 25, 2021

15 3. Deposition of Plaintiff's expert, Frederick C. Berry, Jr., as previously noticed for
16 October 26, 2021

17 4. Deposition of Defendant's expert, Michael Seiff, M.D., requested and his office
18 reports that he is not available until late December or early January 2022.

20 **III. REASONS WHY DISCOVERY SHOULD BE EXTENDED**

21 Plaintiff and Defendant have been diligently pursuing discovery in this matter, including
22 serving disclosures, serving/answering written discovery, noticing/conducting depositions, and
23 disclosing experts and reports. However, the parties concur that additional time is warranted given
24 the several issues that have arisen that were brought to the Court's attention via motion and are still
25 pending decisions, all of which would affect the remaining discovery to be completed.

26 Specifically pending before the Court are the following motions:
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1. Plaintiff's Motion to Compel Production of Defendant's Unredacted Insurance
 2. Claims File, and Motion for Sanctions (ECF 97);
 3. State Farm Mutual Automobile Insurance Company's Objection to Plaintiff's
 4. Subpoenas Duces Tecum, Motion to Quash and/or Motion for Protective Order (ECF
 5. 104 and 105); and
 6. State Farm Mutual Automobile Insurance Company's Motion for Reinstatement of
 7. Stay Pending Resolution of State Court Action On Order Shortening Time (ECR
 8. 108).

9 The decisions on these motions will affect (1) whether any discovery should be proceeding in this
 10 action while the underlying related action proceeds in state court, and (2) if so, the scope of the
 11 remaining witnesses' testimony.

12 In addition to a request to extend discovery, Plaintiff and Defendant request a hearing on the
 13 pending motions so they can obtain rulings on the outstanding issues. The request is consistent with
 14 Fed. R. Civ. P. 1 because the court orders will impact future discovery and the parties may avoid
 15 unnecessary expenses while being able to efficiently conduct discovery and mitigating the likelihood
 16 of future motions regarding discovery.

17 Given the state of the case, the Parties have agreed to extend the current discovery deadlines
 18 for sixty (60) days and would request that this Court, if possible, set hearings to address the
 19 outstanding motions. The Parties anticipate approximately one (1) hour of court time to resolve the
 20 motions.

21 **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

22 Plaintiff and Defendant have agreed to extend the current discovery deadline herein for sixty
 23 (60) days to complete the remaining discovery as outlined above. If approved, the new discovery
 24 deadlines would be modified as follows:

25 Task	26 Current Deadline	27 Proposed Deadline
Close of Discovery	November 4, 2021	January 3, 2022
Dispositive Motions	December 6, 2021	February 2, 2022
Joint Pre-Trial Order	January 5, 2022	March 4, 2022

IT IS SO STIPULATED AND AGREED.

DATED this 14th day of October, 2021.

DATED this 14th day of October, 2021.

NETTLES | MORRIS

HARPER | SELIM

/s/ Matthew L. Sharp

/s / *Sabrina G. Wibicki*

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ORDER

The parties' Stipulation to Extend Discovery Cutoff Deadline is granted in part and denied in part. The request to extend the discovery deadlines sixty days is GRANTED. The parties' additional request within the stipulation to set hearings on the pending motions is GRANTED ONLY as it relates to the motion to compel (ECF No. 95), the motion for sanctions (ECF No. 97), the motion for protective order (ECF No. 104), and the motion to quash (ECF No. 105). The hearing will be set by separate order.

DATED: October 28, 2021

IT IS SO ORDERED.

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE